IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

Crl.MC.No. 9074 of 2002()

ST.1968/1998 of JUDL.MAGISTRATE OF FIRST CLASS COURT-I, PATHANAMTHITTA

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PETITIONER: 3RD ACCUSED

SUBHASH GEORGE MATHEW,
S/O. OF GEORGE, THUNDICKATTIL MALAYIL HOUSE,
NALKALICKAL P.O., ARANMULA, KOZENCHERRY.

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY PUBLIC ROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 16/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.7067/2002 IN CRL.M.C. NO.9074/2002

CLOSED.

SD/- K.R.UDAYABHANU, JUDGE

16/08/2007

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K.R.UDAYABHANU, J.

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Crl.M.C.No.9074 of 2002-D

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Dated this the 16th day of August, 2007

O R D E R

The petitioner is the third accused in S.T.No.1968/1998 with respect to the offences under Sections 184, 185 and 188 of the Motor Vehicles Act. He has sought for getting quashed the proceedings initiated. He has also produced Annexure A3 judgment of this Court in the petition filed by the second accused. Both accused 2 and 3 were passengers in the particular car. The allegation is that the first accused was driving the car after consuming alcohol. Annexure A3 judgment contains discussion of the matter in detail. This Court has observed that there is nothing in the charge to indicate that the second and third accused abetted the first accused to consume alcohol etc.. As the petitioner who is the third accused is in the same position as the petitioner in Annexure A3 judgment, I find that he is entitled to have the benefits of the above judgment. Hence, the proceedings

against the third accused in S.T.No.1968/1998 in the Judicial Magistrate of the First Class-I, Pathanamthitta, is hereby quashed.

The Crl.M.C is allowed as above.

SD/-
K.R.UDAYABHANU,
Judge

ms

K.R.UDAYABHANU, J.

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Crl.M.C.No.9074 of 2002-D

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O R D E R

16th August, 2007